

MINUTES - FAMILY LAW COUNCIL, FAMILY LAW SECTION

Date: May 5, 2012

Place: Novi, MI

Attendance:

○ **Council Members Present:** Anne Argiroff, Elizabeth Bransdorfer, Carol Breitmeyer, Neil Colman, Honorable Richard Halloran, Chris Harrington, James Harrington, III, Elizabeth Kitchen-Troop, Matthew Kobliska, Donna Mobilia, Toni Raheem, Steven Reinheimer, Traci Rink, Kristen Robinson, Erika Salerno, Rebecca Shiemke, Connie Thacker,

○ **Absent:** Ross Stancati, Gail Towne, Stacy Van Dyken, Kent Weichmann

○ **Guests:** Barbara Kelly, Judith O'Donnell, Sahera Housey, Bill Kandler, Lisa Geherin, Richard Genesco, Randy Velzea, Matthew Smith (Rep. Assembly), Robert Treat, Zenell Brown, Dennis Germain, Anthony DeMatteis

○ **Ex-Officio:** Elizabeth Sadowski

I. Administrative Matters:

A. Call to Order: The meeting was called to order at approximately 9:30 AM.

B. Final reports from Committees due next month!

C. Minutes accepted

C. **Treasurer:** No report

D. **Recording Secretary:** Minutes are approved

II. Key Committees:

A. Amicus

1. Still looking for amicus brief - *People v Zajackowski*

2. Mayes is back in court. Remand once again applied "one point doctrine". Looking for group of amicus; looking for support; support the by-pass application for Mayes, then re-file our amicus; motion adopted - passed unanimously (17)

B. Court Rules

1. Discussion regarding Appearance. Concern about multi-complaints which does the attorney appearance work with..too confusing as proposed. Back to drawing board.

2. Post- Judgment discovery; move to amend pursuant to the proposal . Unanimous approval. As follows:

Amendment of MCR 2.302 to read:

RULE 2.302 GENERAL RULES GOVERNING DISCOVERY

(A) Availability of Discovery.

(1) After commencement of an action, parties may obtain discovery by any means provided in subchapter 2.300 of these rules.

(2) In actions in the district court, no discovery is permitted before entry of judgment except by leave of the court or on the stipulation of all parties. A motion for discovery may not be filed unless the discovery sought has previously been requested and refused.

(3) Notwithstanding the provisions of this or any other rule, discovery is not permitted in actions in the small claims division of the district court or in civil infraction actions.

(4) For purposes of this subchapter, the "commencement of an action" includes the filing of postjudgment motions brought in "Domestic Relations Actions," as defined by subchapter 3.200 of these

rules.

3. "Unauthorized Practice of Law" - Jim Harrington was at the hearing at Rep. Assembly.; Rep assents overwhelmingly by approved proposed language on the UPL
4. Default Proposal- Jim Harrington attended the meeting on phone; streamline entry of default; the court will have the discretion to permit defaulter to participate; this was good compromise; got rid of offensive "not otherwise admissible"; May 16, there will be a hearing at Supreme Court; motion to approve amended default; lots of discussion; move to approve: 16-1 opposed
5. Task Force re: Confidentiality: gave update on issue re: confidentiality

C. Legislation. Kent Weichmann, no report

III. Standing Committees Reports:

A. Alternate Dispute Resolution. Antoinette Raheem

- Brochure re: all the ADR methods
- FAQs for attorneys

B. Alternative Family. Carol Breitmeyer

- No report.

C. Annual Meeting. Connie Thacker

- Grand Rapids, September Executive Meeting at 5:00 p.m.

D. CLE/ICLE. Ron Bookholder

- Lisa Gehern attended and made a request:

The \$2500 contribution represents a silver level sponsorship for the Family Law Institute. The purpose of the contribution/ sponsorship is to promote increased attendance to new lawyers and to let new lawyers attend a program they might not otherwise be able to attend, given the economy and the lack of jobs for new attorneys.

Most importantly, however, It is meant to be a collaborative outreach to new lawyers by ICLE and the Family Law Section, and a way for the Section to also increase its new lawyer members.

For the two State Bar sections we also have that arrangement with, we list them in the brochure as a financial sponsor.

Last year we had 50 new lawyers attend the Family Law Institute and I believe that with this promotion we will far exceed that amount. The \$2500 contribution by the Section is not intended to cover the cost to ICLE of offering the promotion (in reality it represents only a fraction of the actual cost for this program), but rather is a silver sponsor level with full recognition given to the Section.

In short, we are requesting the full \$2500 from the Section to be a silver sponsor for the "50 for \$50" promotion and not a per capita donation based upon the number of new lawyers, up to 50, who attend.

- Suggestion that ICLE markets to the minority bar groups; Motion unanimous - 17 approved this request

- E. **Domestic Violence.** Rebecca Shiemke
 - No report
 - F. **Family Court Forum.** Barb Kelly
 - Looking forward to a great forum
 - G. **Family Law Journal.** Antoinette Raheem
 - No report
 - H. **Family Support.** Carlo Martina/Kent Weichmann
 - No report
 - I. **Journal Advertising.** Kristen Robinson
 - J. **Membership/Mentor Roundtables.** Liz Sadowski
 - K. **Midwinter/Midsummer Seminars.** Judith O'Donnell/Traci Rink
 - Brochure came out, encourage all to attend
 - L. **Political Action Committee.** Neil Colman
 - Contribution from anonymous and Traci
 - M. **QDRO/Taxation.** Joe Cunningham/Bob Treat
 - No report
 - O. **Technology.** Liz Sadowski
 - Suggests we get more technical - she would like to get the tech guy more involved
- IV. **Ad Hoc Committees**
- Resource Allocation Committee.**
 - Parenting Coordination.** Richard Halloran/Kent Weichmann
 - No report
 - Unauthorized Practice of Law Committee.**
 - Equal Justice.**
- VI. **Old Business**
- VI. **New Business**
- Announcements - get ready

Next Meeting: **Saturday, June 2 2012** at University Club, Lansing, Michigan. Breakfast is available at 9:00 a.m. and meeting at 9:30 a.m.

Respectfully submitted,

Carol F. Breitmeyer
Recording Secretary

DATED: May 30, 2012